IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3254 OF 2007

Sharfuddin Dadamiya Patel ..Applicant

Versus

The State of Maharashtra ..Respondent

Mr.M.S.Kadu for the applicant.

Ms.S.D.Shinde APP for the Respondent/State.

Coram : V.C.Daga,J

Date : 16.10.2007.

PC

1. Heard learned Counsel for the applicant and the learned APP for the State.

2. The applicant is seeking bail in connection with C.R.No.I-145 of 2005 registered with Kalyan Taluka Police station, Kalyan for the offences punishable under Sections 143, 147, 148, 149, 338, 324, 504 and later on altered to 302 of IPC.

3. The learned Counsel for the applicant submits that out of 17 accused persons, 16 of them have already been released on bail. The applicant is in custody since 12.12.2005. The assault made was with the handle of the spade. The deceased thereafter died. The reason for attack appears to be strong

rivalry between 2 groups and both the groups are residing in the same village. The prosecution has also alleged that there are six other eye witnesses. The learned Counsel for the applicant submits that the applicant would stay away from the said village and would not enter to the village till the trial is over.

4. Having regard to the weapon used in the commission of offence and the role attributed to the applicant, I find this will be a fit case for grant of bail subject to some conditions.

5. The applicant is directed to be released on bail on furnishing solvent surety in the sum of Rs.25,000/- with P.R.bond in the like amount and shall not stay in the village Vasundhari and shall not make entry in the said village until trial is over. The applicant will not be released unless he furnishes proof of his residential address, as mentioned in the cause title of this application or otherwise, and shall not change the residence without prior intimation to the I.O. The applicant shall report to the concerned Police station once in a week i.e. on every Saturday in between 5.00 p.m. to 7.00 p.m. till conclusion of the trial. The applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with

the prosecution evidence. The applicant shall co-operate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail. Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

6. Application is disposed of in above terms.

(V.C.Daga,J)